LOCAL BREVITIES.

(From Enturday's Advertiser.) Tom O Dowda, the veteran sugar boller of Ewa, with his wife and two sons, returned in the Siberia from A visit to the Emerald Isle.

Superintendent Holloway estimates that it will cost about \$1500 for labor to remove the debris washed into the Nauanu dam works by the freshet.

J. T. Crawley, the agricultural chemwho filled different positions here, has been appointed by the American Provisional Government as director of the Cuban Experiment Station,

Raymond C. Brown, inspector of immigration, is mentioned as a possible successor to E. R. Stackable as col-Bector of customs, should the latter take permanent employment as Terri-torial immigration agent.

W. H. Abbey, a graduate of Kameha-meha School, class of 1897, arrivel in the Siberia to take the post of chief reoman at Honolulu naval station, Beore entering the navy Abbey taught in the Boys' Industrial School here, Treasurer Campbell is calling in Re-

public of Hawaii 5 per cent, bonds, numbered \$29 to \$61, both inclusive, for redemption on or after Decembes 9:50 a. m. with 29 head cattle. 11, on which date interest on them ceases. The amount of these bonds is

Cards were received from Chicago ports, resterday announcing the marriage there on December 1 of Julia Shepherd Webb, daughter of Mr. and Mrs. Edward S. Webb, and Dr. M. Edmund Grossman of Honolulu. They will be at home at the Moana some time in Feb-

James A. Low, manager of the Ho-James A. Low, manager of the Sinotulu plantation, returned in the Simodulu plantation, returned in the SiMakaweli, 4 p. m.
Monday, December 17. tained from the directors a leave of absence for six months from January uni ports, 5 p. m.
30. and during his vacation George Str. Nocau, Pederson, for Hawaii 29, and during his vacation George Str. Nocau, Pederson, for Hawaii Ross, formerly manager of Hakaliu and Maul ports, with explosives, 5 plantation, will be his substitute. Mr. p. m. Low takes the rest for the benefit of his health

An unknown man, supposed to be a areman from one of the transports, stumbled over the edge of Fort street wharf Thursday night and was drowned in sight of the crew of the steam sollier Kirklee. The sailors threw a but he made no effort to grasp either, and after noundering for five minutes he sank and never reappeared,

A. N. Campbell of the Henry Waterhouse Trust Co., while on the Coast, from whence he returned in the Siberia, bought additional apparatus for the Honolulu Gas Co. which, with weather, Miss M. Ferrier, B. P. Flint, parts to be made by the Honolulu Iron Jr., Herman Focke, Mrs. Herman Works, will treble the capacity of the plant. Owing to the absence of finan-eiers he wanted to see, Mr. Campbell was unable to forward the business of the Automatic Telephone Co.

(From Monday's Advertiser.)

There is quite a herd of deer in the grounds of Prince Cupid at Waikiki, including some fawns.

the bottom of his tank for hours at a time and is fast petering out.

Big catches of carp were made by native boys in the lagoon of Kaplolani the tackle used.

quite ill at his room in the Young under the constant attention of physieians and nurses.

prolonged visit early in January. Mr. Ramsay is the manager of one of Boston's largest hotels and otherwise a very prominent business man. Mrs.

are being called

C. R. Buckland's new weekly will be knows as "Transpacific Trade. Mrs. Montague Cooke is entertaining

the Misses Hount, recent arrivals from W the mainland

Miss Helen Wilder will return to Caling December 26,

Miss Margaret Tollefson and Harold E. Hanson were married last night at Central Union church,

Geo, R. Ewart, C. M. Loysted, H. L. Hudson and F. H. Otis are booked for the steamer Kinau today,

Albert F. Judd and the first instalment of Filipino laborers are expected to arrive by the steamer Doric on Fri-

Among departing passengers by the steamer Kinau today are W. O. Smith.

Guy T. Kelley, for a long time in the employ of the L-L S. N. Co., was recently married in California.

Prof. Edgar Wood, chairman of the special committee to arrange for school exhibition at the Promotion Committee rooms, requests that teachers wishing to assist in this will send materials to the Department of Public Instruction before Saturday. This will

comprise manual work, photos of

schools, illustrated stories, etc. H. P. Baldwin, an enthusiastic motorist of Hawali, will spend time touring the State in his White steam car, Baldwin is one of the best-known auto tourists in the islands, having made several trips around the islands in his machine on pleasure. He reports the use of machines in Honolulu as being on the increase, a number of highpowered and expensive cars being owned at present by the Hawaiian motor-

SHIPPING INTELLIGENCE

ists.-S. F. News Letter.

ARRIVED.

Friday, December 14. P. M. S S. Siberia, Zeeder, from San

rancisco, 10 a. m, Am, sp. W. F. Habeock, Balley, from Francisco, 10 Baltimore, en route to Astoria, Wash., in distress, 1:30 p. m. (Anchored off

Nor, S. S. Sildra, Christensen, from Newcastle, a p. m.

According to mail advices received, the U. S. A. T. Dix was due to sail from the Sound for Honolulu and Manila on Saturday last. She has been at the Sound ports for the past month since her return from the north, and has taken on as cargo 1,500,000 feet of lumber and 500 tons of hay for the Philippines.

ENTERPRISE WILL ARRIVE FRIDAY.

The S. S. Enterprise arrived at Hilo yesterday bearing the scars of the buffeting she received from the heavy sens during the passage down from San Francisco. The vessel fought her way in the teeth of severe southerly weather that was practically continucas throughout the vovage, the water breaking over ner and carrying away a large portion of her upper works and about 150 tons of her deck load.

Str. Maul, Bennett, from Nawillwill, Str. Likelike, Naopala, from Molokal

R. M. S. S. Miowera, Hemming, from Victoria and Vancouver, 3 p. m.

DEPARTED S. A. T. Thomas, Lynam, for Guam and Manila, 4:15 p. m. Str. Claudine, Parker, for Maui and

Hawaii ports 5 p. m. Am. bk. W. B. Flint, Hansen, for

Str. Ke Au Hou, Thompson, for Ka-

PASSENGERS ARRIVED.

Per P. M. S. S. Siberia, December 14, from San Francisco.-For Honolulu: David Anderson, Mrs. David Anderson, H. P. Baldwin, E. L. Bingham, Mrs. E. 1. Bingham, E. F. Bishop, N. R. Brown, sollier Kirklee. The sallors threw a Mrs. F. A. Burke, Arthur Burke, S. H. plank and a rope within his reach. Burion, Mrs. S. H. Burton, A. N. but he made no effort to grasp either. Campbelf, Miss C. J. Carter, J. B. Castle, Charles Christensen, F. M. Crehore, Mrs. F. M. Crehore and maid, Miss S. Crehore, F. J. Cross, Mrs. F. J. Cross, Master Cecli Cross, F. B. Damon, C. L. Denny, Mrs. C. L. Denny and son, Allen Dodd, Stewart Dunbar, Miss M. Fair-Focke, J. B. Siedge, Miss Eva Focke, Miss Maia Focke, Francis Hatch, Mrs. A. B. Lindsay, D. de Lobel, Mr. A. B. Long, Mrs. A. B. Long, James A. Low, Mrs. W. D. Marvin, W. D. Marvin, Miss Adeline R. Marvin, Miss Mathena, P. A. G. Messchaert, T. O'Dowda, Mrs. o'Dowda, Mrs. M. Phillips, two chillests to the government road. With be spoken by a steamer but he the shark at the Aquarium lies on dren and servant; Mrs. C. W. Rhodes, the rails came an engine and other wouldn't stand for it. Miss J. Richards, E. S. Rigdon, Mrs. E. S. Rigdon, Mrs. O. S. Robertson, S. Sundellus, Mr. Thompson, O. G. Traphagen, Miss Margaret Walker, B. G. Park last week when the water was M. Woodhull, Miss M. Ladd, Miss M. fet out, including some monster gold- Taylor, Mrs. W. L. Borcham, Mrs. G. fish. A bottomless kerosene can was Martin, Mrs. D. B. Whitin. For Yone tackle used. kohama: Miss Gertrude Davis, E. Judge H. E. Highton, who has been Ebihara, Anthony E. Kaesar, Mrs. Anthony E. Kaesar, Loicq de Lobel, Mrs. Hotel, will be removed today to the Loteq de Lobel, Miss G, de Lobel, Miss Queen's Hospital, where he will be C, de Lobel, S, S, McKee, Mr, Midsu-C. de Lobel, S. S. McKee, Mr. Midsusaki, Henry B. Miller, Rev. Constantine E. Pfaffius, Rev. W. Sakakibara, Mr. and Mrs. E. A. Ramsay of Bos- Charles T. Strauss, G. T. Wakimoto, ton are expected to arrive in Honolulu Mrs. G. T. Wakimoto, D. Watanabe. For Kohe: B. Ishikawa. For Naga-saki: Mrs. E. H. Fretz, Miss Mary S. Pretz, Rev. W. de L. Kingsbury, For Shanghai; Miss I. L. Brooks, Rev. Ramsay is a cousin of Mrs. John W. W. R. Johnson, Mrs. W. R. Johnson, Wadman, They will very likely reside Rev. W. H. Lacy, Mrs. W. H. Lacy, at the Moana.

Democratic precinct club meetings

Democratic precinct club meetings

Miss Lacy, W. A. Main, Mrs. W. A. Main and three children, Miss A. Powell, Harold Richards, Jr., R. L. Hongkong: R. E. Abenheim, Mrs. R. present deputy, may remain, however. E. Abenheim, W. W. Barciay, Mrs. W. A similar state of affairs exists in the Rose, who belongs here, was one of the W. Barciay, Captain T. A. Campbell, office of County Clerk Pua, whose late men aboard who left the ship here, L. E. Case, Mrs. H. T. Cook, Miss opponent, Ewallko, has been mentioned to stay, I believe. I have been going Gertrude Driesbach, forcia by the steamer Alameda, sall-, R. Finch, Mrs. G. E. Gelm and daugh- it is said, has declined to recognize the worst experience I have ever had. ter, W. S. Haldeman, Mrs. W. Haideman, Rev. Isaac B. Harper, Mrs. Isaac B. Harper, Miss Willma A. Keck, W. B. King, G. M. Lack, C. H. Lavers, Mrs. C. H. Lavers, Mrs. J. B. H. F. Lyman, J. A. McKenzie, R. N. McLean, John W. Pend, Mrs. John W. Pead, H. Redmond, Mrs. H. Redmond and two children, W. W. Sheppard. Charles H. Thompson, Mrs. Charles H. Thompson, Marquis de Valladares, Dr. A. B. Clark and wife, F. M. Henry L. Walters, Mrs. D. B. Whitin. Swansy and family. Per R. M. S. S. Miowera, from Vic-

toria and Vancouver, Dec. 16.-J. Stevens, J. L. Pridham, Judge Scott, y married in California. He is Mr. and Mrs. H. O. Willis, Mr. and managing a large hotel in Mrs. H. C. Emory, C. McLennab, J. L. Logan, D. Donald, Miss F. Rathburn, J. K. Peary, Mr. Foroler, G. Fitzgibbons, W. Green.

Per str. Maui, from Kauai ports, Dec. 16.-S. Joshi, Mrs. Joshi, Miss R. Antone, W. H. Rice Jr., Mrs. Rice, Master Rice, Mrs. Dickson, W. B. Morton, W. H. Schieling, Mrs. Jaouen, T. O' Brien, Chung Kee, F. J. Hare, Mrs. A. Robinson, Mrs. F. Antone and 12 deck.

PASSENGERS DEPARTED

Per str. Claudine, December 14, for Maui and Hawaii ports.-Miss M. Tay-16r. Miss E. Taylor, Minerva Ferrier. Mrs. W. O. Smith, M'ss E. Hart, Miss M. Winne, B. C. Kennedy, Master L. Williams, Master Jakius, Miss P. Jakins, F. J. Molr, L. A. Moir, J. T. Molr, Jr., Ira Wells, Ward Wells, Jack Guard, Geo. Willfong, Miss Elsie Lidgate, Misa Dora Engle, Miss E. Chalmers, Miss J. Alken, K. Lidgate, W. Lidgate, H. P. Baldwin, A. E. Taylor, R. Reid, Hugh Reid, R. Lougher, D. L. Meyer, Mrs. Geo. Ardway, C. J. Austin. Sing You, Mrs. Wallace and three children, S. E. Kaine, C. W. Baldwin, Mrs. W. S. Nicoli, Mrs. E. M. Amoria, A. Enos, Mrs. Enos and child, Father Francis, E. A. Mudgett.

The Federal inspectors of hulls and boilers are rapidly getting through their work here. The vessels of the Inter-Island fleet have been examined and been found in first-class condition. Sunday, December 16. Yesterday the steamer J. A. Cummins Str. Iwalani, Piliz, from Kawathae, was held here fer inspection.

MARINE FINE SIGHT

of Halemaumau was first noticed a week ago Saturday but since then it has increased greatly. Last Saturday night there was a great display which was viewed by a number of visitors who had gone up the mountain for the special purpose. Three lakes of fire were found to be bolling turbulently at a depth of about five hundred feet. Fountieles of lava were spouting from them continuously. A succession of explosions and the continual swish of the disturbed lava added to the impressiveness of the occasion. The most remarkable display occurred at 10:20 when there was a sudden flow from way out a corner of the pit which had been terday: dark before. The forbidding black rock split open with a roar and a torrent that looked like molten sprung forth. The unusual brilliancy lit up the whole pit. As the flow con-away from port very long, last June tinued the color changed from bright it was, when Dacy, an English-Irishyellow to pink and then to an angry man, lost his head and was crazy for

Manager C. C. Kennedy of the Wal-akea Mill Company in a letter from San Francisco says Henry Deacon, who accompanied him, was well and adds: near Philadelphia, fell from the upper Manager C. C. Kennedy of the Walaccompanied him, was well and adds: near Philadelphia, fell from the upper "San Francisco is no place now to go tops'l yard to the sea. He was a liketo spend a few weeks. It looks to me ly chap but he didn't know

lic lands which might be made settled would be followed by overland rall- boy again. roads, and it was pointed out in my letter to Mr. Thurston on the subject. that a rallroad would cause the setbecause, though capable of producing a city of Hilo in no time. lack of a harbor is what is now pre- but the skipper was under the impresventing the profitable use of a lot of

land. The Kinau recently brought a lot of machinery and four miles of railroad track for the Hawalian Mahogany Harry Doll, or Dow, as near as I could Lumber Company, which is working on a railway from behind the Volcano he claimed that his father was in House to the Volcano House road at employ of the fire department in F Shipman's place. Surveying has already been done for the road, and work has been begun on grading for sent home from here. The skipper was the tracks. The railroad line is to funny about that and he never spoke T. O'Dowda, Master John O'Dowda, haul the koa logs, which the Mahog- a vessel all the way out. There was a Miss Katherine O'Dowda, Master Jas. any company is cutting, from the for- chance off the New Zealand coast to machinery.

The land office is about to offer land to settlers in two places on this is- and was not fit for duty but the cap-land. The Onemea Sugar Company is tain did not believe it till the mar about fifty or sixty Portuguese families on homesteads at Hakalau, on lands for which the leases are nearly expiring. These two propositions, and the settlement of the matter of title of some Olaa settlers who are claimed to have failed to comply with the law, were the occasion of Commissioner Pratt's visit to may a

week Attorney Irwin is reported to be slated for the office of deputy country H. M. Foulds, M. for the deputyship. S. Democratic recommendations.

T. J. Ryan has sent a new communication to the Board of Supervisors the matter of the alleged road graft, had in that berth and it is new to which is now under investigation. Lennig, Miss Maude A. Lennig, Miss Ryan has also made and transmitted Elsie J. De Lennig, H. F. Lyman, Mrs. an affidavit regarding the matter adan affidavit regarding the matter added in handwriting to one of the affidavits, which matter, according statements made before the board, was added after the document was to. Still another affidavit shows the investigators where, it is alleged, more testimony as to the graft may be sec-

The Piano club was very enjoyably entertained last Wednesday afternoon by Mrs. Jarrett T. Lewis. Among those who took part in the program were Mrs. L. Severance, Mrs. Marsh, Miss Catherine Westervelt. Miss Lilinoe Hapai, Miss Potter, Miss Bertha W. Stevens, and Mrs. Lewis.

Yasube Sasake, a Honokan Japanese in the last stage of consumption, committed suicide last Saturday by slashing himself in the abdomen.

The Rev. H. H. Wyman and Rev. H. Stark, the San Francisco Pi fathers now in Honolulu, will ome here to deliver a course of lec-

Horimoto Tamaji, a Japanese charged with criminal assault and convicted by a jury in Judge Parsons' court, was sentenced to two years' hard labor. Judge Hapai has appointed Father outs, the Rev. S. L. Desha and

Charles Swain to act as probation officers for this district, under the juvenile offenders act passed by the legis-lature in 1905. They are the first probation officers to be appointed here. law provides that persons under sixcrime, may be paroled under the supervision of such officers.

The steamer Nebraskan brought a traction engine for the Hawaiian Mahogany lumber company. All the cargo took away was 38 bunches of bananas.

M. M. O'Shaughnessey, the known engineer, was a visitor in Hilo He examined plans for the new Masonic building and warmly approved them.

The building of the new Inter-Island judge was indisposed and did not hold steamer Mauna Kea, in San Francisco,

Tales of the Babcock voyage from Baltimore to Honolulu by way of the Cape of Good Hope do not contain much that is to the credit of the captain of that vessel. The ship was chartered for a cargo to Portland, Ore., and before she got away from the Chesapeake some of the old sailors who had shipped on the vessel as able seamen, prophesied trouble before the votage was ended. One of the men loading the ship fell down one of the hatches and was killed and there were accidents from time to time all the way out. Said one of the sallors yes-

"She was a death ship and no mistake and we've had trouble enough gold from the time we got out of sight of lancy the oyster beds. We had not been a time before he died and was buried like no place at all. It is simply a about a ship than does a rabbit. He picture of desolation."

"Among the material taken to Wash-"

"Among the material taken to Wash-" ington by L. A. Thurston, as a part of life buoys but he had probably lost his the data to be used in urging the Hilo glasses in the fall down and couldn't breakwater proposition," said Land see the buoys. Then he grabbed the Commissioner Prutt, "was a statement log line and I heard the captain say from the land office, showing the pub-something to him that made me feel glad it was him and not me. And if quickly if there were only a suitable he had been me a holding the line I harbor at Hilo. The breakwater wouldn't a let go. We never seen the

The trouble with the grub was that there was too much salt beef for the voyage but I will say this much for it, tlement of lands which are now idle the quality was Al. But who would think of putting three months' provi valuable crops, they are not within sions on a ship for a voyage that has reach of a market. The breakwater taken us six months and it is not and the railroad which will follow will finished yet? The men have been sick The off and on for more than two months sion all the time that the boys were trying to throw off on him and he treated them accordingly. The young fellow who was drowned was named make out from the ship's articles, and employ of the fire department in Philadelphia, keeping up steam. The fact has never been reported unless it was

"Last November, John John, he said was his name, took sick with scurvy tain did not believe it till the man releasing some leases of Kaapoko lands died Thanksgiving eve, then he told and they will be offered for home- us he guessed the fellow must have steads, and arrangements are being been sick after all. Six of us left the ship here and before I cut loose from her the skipper asked me if I thought I wanted all of the money that was due me and I answered that I did. Then he seemed to feel that I was ungrateful for all of the necessities I didn't get. But he paid us the money just the same. There has been noth ing but trouble aboard the ship ever since she was launched and for that reason we are justified in speaking of her as a death trap. I will have to be The appointment lies with treated at the hospital here before go-County Attorney Williams, subject to Ing to the coast, I'm too sick to work the approval of the Board of Supervi- much. We left nine men aboard the sors. Under the rule of the fusion con- sa p and she will have to take more vention, the Democratic county com- or the men that are on her now will mittee is urging the appointment of a not stay with her. I think they know here. A young chap by the name sea for fifty years but this is the belong at the Saliers' Snug Harber This is the first voyage the skipper has him.

SERGEANT GIVES A PATRIOTISM LESSON.

A local smart Aleck was given a lesson in patriotism Sunday afternoons in the Capitol grounds, a sergeant from the transport Sherman acting as instructor. The grounds were crowded with people attending the concert of any State to the contrary notwithstanding." the Hawalian band. Among them were numerous soldiers and marines, the close of the program the b struck up the Star Spangled Banner. Instantly the soldiers, marines and sailors were on their feet with their hats doffed and crossed to their left breasts.

A local man standing near a group of the flag defenders made a sneering remark about the custom and kept his own hat on his head. Instantly the sergeant in question left the and, passing over to the local took him by the shoulder, swung him around until he faced the bandstand and the entire Hawaiian band, removed his hat and made him hold it according to military custom.

Hundreds of eyes watched the incldent and the local man, smarting under the humiliation, but not daring to show lack of patriotism under the circumstances, remained standing and uncovered to the end of the selection. The sergeant is on his way to the mainland from the Philippines.

teen years of age who are convicted of has been delayed by shortage of material due to the big fire and she will not be here in May as expected.

Gorge Makuakane, son of the super visor, is held in custody on a charge of insanity, as a result of a disturbance he created on Sunday night. Charges of assault and battery and affray also brought against him, but they were nol-prossed in view of his appeared before Judge Hapai yesterday for commitment for insanity but the

WORLD-FAMED BAND PLAYS IN HONOLULU

(From Monday's Advertiser.)

Honolulu has seldom welcomed a musical organization with such enthusiasm as on last evening when, despite the inclement weather, a good sized audience gave tremendous applause after each number rendered by England's famous Besses o' th' Barn Band at the Kaimuki Zoo. It was a revelation of what can be accomplished with a combination of brass instruments, with not a reed n it, for at times it seemed as if one could shut his eyes and believe that some great, wonderful pipe organ was being played, for the effect when heard in the open air was just that of the organ,

Honolulu in large part missed a real treat because the band arrived from Canada on a Sunday. Had it been a week day and with sufficient preparatory notice to the public, the Opera House would undoubtedly have been crowded to the doors. As it was, only telephone announcements could be given about town that a concert would be given at the Zoo. In spite of the rain a large crowd went there, some on the street cars and some in autos. The audience ocsupied whatever sheltered places were to be had and even the band was at times subjected to the inconvenience of a drizzle.

But whatever of discomfort there may have been from the rain the beautiful melody which came from those brass instruments chased away every thought of it. The wonderful balance and roundness of tone, the magnificent tonal qualities and the manner in which the band could work up to a crescendo and yet retain the organ-like effect impressed one perhaps more than anything else. But beyond this even was the splendid precision and modulation with which the brilliant passages of execution were handled under the direction of Mr. Alexander Owen. The whole band is a rare combination, from the soprane cornets with their clear piercing notes to the profundity of the basses which went to subterranean depths.

One selection, an encore, which was given to imitate an organ throughout was listened to with breathless interest. Whether softly played or rising to swelling crescendo, the organ-like effect was never lost, and the band as a whole became lost in the beautiful blended tones. The program comprised some well known selections from operas, etc., and popular music. The band has many soloists. Perhaps the playing of the cornet soloist was the finest ever heard here.

This is the band of which President Loubet of France said: "Your performance is superb, and could not be excelled by any band in France-it is

TREATIES THE SUPREME LAW OF THE NATION

Editor Advertiser: I have been much interested in following your discussion of the Argonaut's views as to the operation of the treaty making powers of the United States upon the laws and conduct of the individual States. From what source the Argonaut has derived its unique brand of legal misinformation might well be a matter of some curiosity; but otherwise, in a way, it seems hardly worth discussion in Hawaii, since it is not likely to be adopted by the American judiciary; nor on the other hand can we hope that California will sit at the feet of our local press for the purpose of acquiring knowledge, though in some respects she might well do so.

The question raised by the Argonaut was decently interred by the Supreme Court of the United States, probably forever, so far as the courts are c erned, in the case of Ware vs. Hylton et al. (3 Dall. 199), just one hundred and ten years ago. That there was something to be said then on both sides of the question is apparent from the fact that a Circui Court of the United States was reversed, and that John Marshall was of counse for the doctrine that then became defunct: though whether he was himself convinced of the views which he so ably advocated may be doubted when we remember how afterward, for more than thirty years, as Chief Justice, he upheld the full measure of national powers under the Constitution.

The facts and law of the case, though well known to every lawyer, may not be without interest to those engaged in other lines of work, and are as

Plaintiff was administrator of the estate of a British subject, to whom in 1774, defendants, citizens of Virginia, had given a bond for the payment of about \$1500. Thereafter, in 1777, the Revolutionary War being then in progress, the Colony of Virginia, with the laudable design of putting an extra twist in the Lion's tail, passed a law to sequester British property; among other things providing that it should be lawful for any citizen of Virginia who was inlebted to a subject of Great Britain, to pay the amount thereof into the 'Loan Office'' of Virginia, take receipt therefor, and stand discharged therefor

Defendants, accordingly, paid the amount called for in the bond to Virginia, instead of to the British debtor, and slept peacefully in the consciousness of having killed two birds with one stone.

Powell, Harold Richards, Jr., R. L. Simkin, Miss Winish, Mrs. R. L. Simkin, M About seven years afterward a treaty of peace was consummated between "It is agreed that creditors on both sides shall meet with no lawful im-

pediment to the recovery in full value of sterling money of all bona fide

debts heretofore contracted." Five years more passed, during which Hylton et al., citizens of Virginia, a practically independent sovereignty, probably remarked that the treaty made and when I get back I will stay there. good reading, but that they failed to see how it concerned them; while on the other side of the water Ware's English friends advised him to get his bond

framed and hang it up in the parlor as an illustration of how much a treaty with the Confederated States of America was worth. Then the Constitution of the United States was framed, that long suffering instrument, destined to be forever misunderstood, especially by its most frenzied votaries, and to be perpetually harassed by doubts as to whether it should

follow the flag or stay at home. In the 6th Article thereof it was provided: "That all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the Constitution or laws of

Thereupon Ware began to sit up and take notice, but Hylton et al, still

failed to have any premonitory financial chills. Action now being brought by Ware, Hylton pleaded the law of Virginia above mentioned, and payment thereunder into the treasury of that State, a contention sustained by the Circuit Court of the United States for the District of Virginia, from whose judgment plaintiff took writ of error to the Supreme Court of the United States; where it was held:

That Virginia's confiscatory act of 1777 was at that time done in the exercise of a lawful sovereign and independent power, and that it did extinguish the debt. But:

That though Virginia might at any time, before she had ratified the Constitution, have nullified the Act of confiscation and revived the debt, she had parted with that power by her ratification of the Constitution, and that the United States now had the power which Virginia formerly had, and this transferred power she had exercised by the treaty, since the Constitution made operative as supreme not only future treaties, but those that were prior to its adoption.

The defendants, however, made a final stand upon the contention that though the United States had the power to make the treaty, and stipulate for the revival of the debt and the removal of the adverse State legislation, still that the actual annulment of the State law must be by legislative act of the same State.

The court shattered this final defense with the simple statement that the treaty itself annulled the State legislation, and the payment under it, by virtue of the supreme power conferred upon such treaty by the Constitution.

The meaning of all which was that poor old Hylton et al. must draw another check.

If then a treaty of the United States under the Constitution has such wide reaching effect that it can annul the legislation of a State enacted while it was yet an independent power, and destroy the effect of acts which had been performed under such legislation, even before the treaty or the Constitution came into existence; is it not untenable and even absurd to hold that a treaty of the United States can not be constitutionally enforced against a State already existing as such when the treaty was made, and against the State legislation enacted subsequent thereto? W. H. SMITH.